

**To:** Clark, Susan S SPK[Susan.S.Clark@usace.army.mil]; Bradbury, Mike@DWR[Mike.Bradbury@water.ca.gov]  
**Cc:** Nepstad, Michael G SPK[Michael.G.Nepstad@usace.army.mil]; Tim Vendlinski[Vendlinski.Tim@epa.gov]  
**From:** Foresman, Erin  
**Sent:** Fri 2/6/2015 9:45:32 PM  
**Subject:** RE: BDCP: Documenting Corps needs to make LEDPA determination, and prelim assessment and eventual delineation of WOUS

Hi Sue,

Thanks so much for your message. Our goal is to make sure our agencies are consistent in our administration of the CWA including jurisdictional determinations and the 404 permit process. This is especially important to EPA for CWA jurisdiction because EPA administers or oversees the majority of CWA programs, recognizing the Corps' 404 program is a really really big program.

My preference is a written response on letterhead to DWR's written request for a preliminary CWA jurisdictional determination. We would like to work with you on the content of the letter to make sure our agencies are in agreement on CWA jurisdiction and 404 permitting. We were not at the meeting you had recently with DWR. It is a great idea to make sure the folks at that meeting agree on meeting minutes. However, it is awkward to use the meeting minutes to make sure EPA and the Corps are in agreement on CWA JD topics and 404 permitting because we weren't at the meeting.

Erin Foresman  
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Schedule: M 7:30a - 4:00p; T - F 7:30a - 2:00p

-----Original Message-----

From: Clark, Susan S SPK [mailto:Susan.S.Clark@usace.army.mil]  
Sent: Friday, February 06, 2015 12:11 PM  
To: Foresman, Erin; Bradbury, Mike@DWR  
Subject: BDCP: Documenting Corps needs to make LEDPA determination, and prelim assessment and eventual delineation of WOUS

Hi Mike and Erin:

As you are aware, the Corps has been working with EPA to draft a joint letter that would include an outline of what the Corps needs from DWR to make a LEDPA determination (based on a preliminary estimate/assessment of WOUS in each of corridors/alignments presented in the BDCP Draft EIS (i.e., "Modified Pipeline Tunnel Option", "Through Delta/Separate Corridors Option", "East Option", and "West Option"), and to eventually complete a Jurisdictional Determination (JD) based on a more rigorous wetland delineation completed by DWR.

We are wondering if a joint letter, or rather minutes (approved by all attendees) from our the DWR/Corps meeting would suffice to notify DWR what the Corps expects to receive from DWR in order to make the LEDPA decision and eventually complete a JD. What do you think?

Thank you,

Susan S. Clark  
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\* We want your feedback! Take the survey:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

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